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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

Application Number	10/053,085
Filing Date	November 9, 2001
First Named Inventor	Gorte, Raymond J.
Art Unit	1795
Examiner Name	Wang, Eugenia
Attorney Docket Number	UPFF-0004/N2437

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks _____	
	Communication Regarding NOTICE of Non-Compliant Amendment	
	Declaration of Dr. Raymond J. Gorte under 37 C.F.R. 1.132	
	Raymond J. Gorte Resume	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Woodcock Washburn, LLP		
Signature	/Aaron B. Rabinowitz/		
Printed name	Aaron B. Rabinowitz		
Date	February 26, 2009	Reg. No.	61,943

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name			Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

DOCKET NO.: UPFF-0004 / N2437
Application No.: 10/053,085
Office Action Dated: October 9, 2008

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gorte et al.

Confirmation No.: **5537**

Application No.: **10/053,085**

Group Art Unit: **1795**

Filing Date: **November 9, 2001**

Examiner: **Wang, Eugenia**

For: **Use of Sulfur-Containing Fuels for Direct Oxidation Fuel Cells**

ELECTRONICALLY FILED: February 26, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMMUNICATION REGARDING NOTICE
OF NON-COMPLIANT AMENDMENT**

Sir:

Applicants have received a Notice of Non-Compliant Amendment, dated February 20, 2009. On February 26, 2009, Applicants' attorney spoke with Ms. Brenda Murphy (phone: 571-272-1033), who advised applicants that the status of claim 67 of the pending application was unclear. Ms. Murphy kindly advised Applicants' attorney to (1) file a communication responsive to the Notice; and (2) to re-file Applicants' response of January 26, 2009, so as to resolve all issues presented by the Notice.

In accordance with Ms. Murphy's guidance, Applicants are filing the present Communication to advise the office that claim 67 is canceled, and Applicants are also re-filing on this date their January 26, 2009 response so as to clarify the status of claim 67.

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PATENT

Respectfully submitted,

Date: February 26, 2009

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